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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,020	11/30/2001	Vu Nguyen	MSI-896US	6790
22801	7590	08/25/2004		EXAMINER
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201				HAILU, TADESSE
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/998,020	NGUYEN, VU	
	Examiner	Art Unit	
	Tadesse Hailu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 November 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-69 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. This Office Action is in response to the patent application number 09/998,020 filed on Nov 30, 2001.
2. The pending claims 1-69 are examined herein as follows.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-37, 40, 45, 48, 53, 56, 61, 64, and 69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-37, 40, 45, 48, 53, 56, 61, 64, and 69, the phrase "keyboard-like input" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "keyboard-like input"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-6, and 17-69 rejected under 35 U.S.C. 102(e) as being anticipated by Chew et al (US Pat No 6,664,991)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With regard to claims 1, 17, and 23:

Chew discloses a method in a computer system for providing a user interface (Figs. 1-10, 13-16) for use with a stylus (e.g. 304 in Fig. 3). The method of Chew includes, among other things, receiving a stylus-based user input (e.g. 302 in Fig. 3); and responsive to receiving the input, displaying a menu (see 400 in Fig. 4) comprising selectable items (see the selectable items in 400) to allow a user, by selecting one of the selectable items (see the selected "DELETE CONTACT" item in Fig. 5), to direct the computer system to interpret one or more subsequent stylus-based user inputs as keyboard-like input (e.g. input from the overlaid keyboard, Figs. 3-10, and 15 entered into an edit field 1300 as shown in Figs. 13, 14 or 16).

With regard to claims 2, 18, 25, 34, 41, 49, 57, and 65:

Chew describes a timer (Fig. 12, column 5, lines 23-50), wherein Chew further discloses determining whether an item of the selectable items (such as 402, 404, 406, or 408 of context menu 400, Fig. 4) has been selected within a predetermined amount of time since presenting the menu (via taping and hold by the tip of stylus) (column 5, lines 23-50).

Chew further describes responsive to determining that the item (such as 402, 404, 406, or 408) has not been selected within the predetermined amount, terminating or dismissing the menu (column 5, lines 23-50).

With regard to claims 3, 19, 26, 35, 42, 50, 58, and 66:

Chew further discloses that the menu comprises an action area (e.g., display contacts list 300, or context menu 400) that is receptive to stylus-based

input (see the stylus input on entry 302, Fig. 3, or see the stylus input on command 404, Fig. 4).

Chew further discloses identifying stylus input outside of the action area (see the stylus input outside the context menu area, in Fig. 6, column 3, lines 37-67, column 4, lines 28-35).

Chew further discloses responsive to identifying stylus input outside of the action area, dismissing the menu (column 4, lines 1-9, 28-35, column 5, lines 23-50, column 6, lines 60-67).

With regard to claims 4, 20, 27, 36, 43, 51, 59, and 67:

Chew also disclose that responsive to receiving the input (e.g., tap and hold input by the stylus) detecting selection of an item of the selectable items (selectable commands 402, 404, 406, and 408 displayed within context menu 400, Fig. 4) (abstract, column 4, lines 10-27).

Chew also disclose that responsive to receiving the input further includes responsive to detection the selection hiding the menu (that is, once a selection (command 404, Fig. 4) has been made, the context menu 400 will be dismissed (hidden) or terminated (column 4, lines 1-9, column 8, lines 23-28).

Chew also disclose that responsive to receiving the input further includes responsive to detection the selection including performing a task corresponding to the item (column 1, lines 57-65, column 4, lines 36-52).

With regard to claims 5, 21, 28, 37, 45, 53, 61, and 69:

Chew also discloses that the task includes among other things, generating keyboard-like data using the overlaid keyboard (see the keyboard data entry field

1300, in Fig. 13).

With regard to claims 6, 22, 24, 33, 44, 52, 60, and 68:

Chew also discloses detecting selection of an item of the selectable items (as illustrated in Fig. 4, one of the commands (command 404) is marked for selection) (abstract, column 4, lines 10-27).

Chew also disclose responsive to detection the selection hiding the menu (that is, once a selection (command 404, Fig. 4) has been made, the context menu 400 will be dismissed (hidden) or terminated (column 4, lines 1-9, column 8, lines 23-28)).

Chew also discloses performing a task corresponding to the item, the task having a result (column 1, lines 57-65, column 4, lines 36-52).

Chew further discloses that communicating (i.e., input messages are passed to an operation system program) the result as input to a program (column 5, lines 1-9).

With regard to claim 29:

Chew discloses a user interface (Figs. 1-10, 13-16) for use with a stylus (e.g. 304 in Fig. 3) includes, among other things, an action area (e.g. the selectable screen areas of Figs. 1-10, 13-16).

Chew further discloses at least one helper icon (see the keyboard icon at the bottom of each screens, Figs. 1-10, 13, and 15) the action area, for example Fig. 3 being displayed responsive to receiving a stylus-based user input (column 4, lines 10-19), the at least one helper icon (keyboard icon) being selectable (see the selected keyboard) to allow a user to specify that a computer system is to

interpret one or more subsequent stylus-based user inputs as keyboard-like input (e.g. input from the overlaid keyboard (e.g., see Fig. 13) entered into an edit field 1300 as shown in Figs. 13, 14 or 16).

With regard to claim 30:

Chew also discloses a stylus input wherein the input is a tap-and-hold gesture (it is not a single quick touch or a double quick touch input) (column 4, lines 15-18).

With regard to claim 31:

Chew also discloses that the event is a tap-and-hold gesture (continuous touch event) (column 4, lines 15-18).

With regard to claim 32:

Chew further discloses displaying an action (e.g., context menu display 400) by tap-and-hold gesture (a first stylus-based user input) and wherein the user specifies that a computer system is to interpret one or more subsequent stylus-based user inputs as keyboard-like input by generating a tapping input (second stylus-based user input) over a corresponding helper icon (e.g. keyboard icon or any icon within the context menu) of the at least one helper icon, tapping (the second stylus-based user input) being different from tap-and hold gesture (the first stylus-based user input) (column 4, lines 28-35).

With regard to claims 38, 46, 54, and 62:

Chew discloses a user interface (Figs. 1-10, 13-16) for use with a stylus (e.g. 304 in Fig. 3) in a computing device (notebook 68) with comprises display 85 (Fig. 2).

Chew further discloses receiving stylus-based user input at a location on the display (see Fig.3), the location corresponding to a previously displayed user interface object (contact list 302) with a corresponding context of operation (e.g., column 4, lines 20-27, Fig. 4, 400).

Chew further discloses responsive to receiving the user input, presenting a menu on the display, the menu being independent of the corresponding context of operation (column 2, lines 11-18, column 5, lines 39-50).

With regard to claims 40, 48, 56, and 64:

As illustrated in Figs. 4 and 5, the context menu comprises one or more selectable items (402, 404, 406, and 408), wherein the stylus based user input is a first user input.

As illustrated in Fig. 5, receiving a second stylus-based user input (see the selection on 404) that indicates user selection of an item of the selectable items (column 4, lines 20-43).

Chew further discloses responsive to receiving the second user input, directing the computing device to interpret one or more subsequent stylus-based user inputs as keyboard-like input (e.g. input from the overlaid keyboard (e.g., see Fig. 13) entered into an edit field 1300 as shown in Figs. 13, 14 or 16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 39, 47, 55, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chew et al (US Pat No 6,664,991) in view of Keely et al (US Pub No 2002/0056575).

Chew discloses a menu (e.g., context menu 400, Fig. 4) further comprises one or more selectable items (402, 404, 406, and 408 of Fig. 4), wherein the stylus based user input is a first user input (e.g. tapping on displayed item 302 of Fig. 3), and wherein the method further comprises: receiving a second stylus-based user input (e.g., tap-and-hold gesture input) that indicates user selection of an item (e.g. one the context menu items 404, see Fig. 5) (column 4, lines 20-43).

Furthermore, although Chew discloses context menu of underlining object, but Chew is silent in mentioning that the generated context menu is equivalent to generating “right-click” event, that is a mouse-right-button input event. Keely, on the other hand, discloses a stylus tap-and-hold gesture input that is equivalent to a mouse-right-button input event (“right-click”) as specified in current claims (see paragraphs [0004, 0012, 0039]).

Chew and Keely are analogous art because they are from the same field of endeavor, that is a stylus gesture input.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Keely, that is the equivalent of

"right-click" of a mouse between that of tap-and-hold of a stylus with stylus gesture input of Chew.

The motivation/suggestion for doing so would have been to provide a single input device (stylus) that has the capability of permitting a user to easily perform all operations of a mouse-type device.

Therefore, it would have been obvious to combine Chew and Keely to obtain the invention as specified in claim 39, 47, 55, and 63.

Allowable Subject Matter

6. Claims 7-16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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Art Unit: 2173

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Tadesse Hailu

August 22, 2004



A handwritten signature in black ink, appearing to read "Tadesse Hailu". The signature is fluid and cursive, with the first name starting with a large 'T' and the last name with a large 'H'.